

Exhibit K

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

---oOo---

SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

Case No. 3:16-cv-04288-JSC

MILTON BLISS; VICTOR M.
SANCHEZ, JOSEPH A. LEONARDINI;
SCOTT NEU; EUGENE A. JONES;
PAUL TIMPANO; PIERRE A. GRAY,

Defendants.

_____ /

THE VIDEOTAPED DEPOSITION OF
LIEUTENANT VICTOR M. SANCHEZ

Wednesday, August 15, 2018

Reported by: Patricia Rosinski, CSR #4555

CLARK REPORTING & VIDEO CONFERENCING
2140 Shattuck, Suite 407
Berkeley, California 94704
(510) 486.0700
www.clarkdepos.com

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FOR THE PLAINTIFF:

KATON.LAW
By: GLENN KATON
Attorney at Law
385 Grand Avenue, Suite 200
Oakland, California 94610
(510) 463-3350
gkaton@katon.law

- and -

LAW OFFICE OF CAITLIN KELLY HENRY
By: CAITLIN KELLY HENRY
Attorney at Law
1201 Martin Luther King Jr. Way, Suite 200
Oakland, California 94612
(510) 277-2025
ckh@caitlinkellyhenry.com

FOR THE DEFENDANTS:

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY
By: RENEE E. ROSENBLIT
Deputy City Attorney
BRIGGS MATHESON
Deputy City Attorney
Fox Plaza
1390 Market Street, Sixth Floor
San Francisco, California 94102
(415) 554-3853
renee.rosenblit@sfcityatty.org
briggs.matheson@sfcityatty.org

AND THERE ALSO BEING PRESENT:

Steve Zavattero, Legal Videographer

---oOo---

1 un- -- unable to give truthful and accurate
2 testimony today?

3 A. No.

10:16AM

4 Q. And you've had the opportunity to meet with
5 your counsel to prepare for this deposition?

6 A. Yes.

7 Q. So we're here today about an incident -- or
8 a series of incidents involving Scanvinski Jerome
9 Hymes on July 24th, 2014.

10:16AM

10 If I refer to "the incident" or "the day of
11 the incident," will you understand that I'm
12 referring to July 24th, 2014?

13 A. Yes.

10:17AM

14 Q. Were you working on the day of the
15 incident?

16 A. Yes.

17 Q. What time did you start working?

18 A. 0600 hours.

10:17AM

19 Q. And had you ever seen Mr. Hymes before the
20 day of the incident?

21 A. Yes.

22 Q. When did you see him before the day of the
23 incident -- or when was the most recent time to the
24 incident?

10:17AM

25 A. I want to say July 22nd.

1 Q. And what were the circumstances where you
2 saw Mr. Hymes on July 22nd -- is that -- you're
3 pretty sure, but not certain, it was July 22nd?

10:17AM

4 A. If the incident occurred on the 24th --
5 23rd, 22nd -- it's July 22nd.

6 Q. Okay.

7 A. I'm sure about that.

8 Q. Okay. What were the circumstances where
9 you saw Mr. Hymes on the 22nd?

10:18AM

10 A. That's the day he arrived to County Jail
11 Number 4.

12 Q. And were you involved with processing him
13 in?

14 A. Yes, I was.

10:18AM

15 Q. And could you describe that process for us?

16 A. Sure.

17 I was advised by Captain Adams. She had
18 received a phone call that he was on his way to our
19 facility. She asked me to have dep- -- deputized
20 staff assist me. And when he arrived on the seventh
21 floor, when the elevator doors opened, I took
22 control, along with the deputies, of Mr. Hymes, and
23 we walked into processing.

10:18AM

24 And while in pro- -- the processing room,
25 we had a conversation.

10:18AM

1 Q. Before we get to that conversation, is it
2 normal for a captain to call ahead when a prisoner
3 is going to be arriving at the jail?

4 A. For this particular inmate, yes.

10:19AM

5 Q. So for inmates in general, no?

6 A. Correct.

7 Q. What was special about Mr. Hymes that
8 Captain Adams called ahead?

10:19AM

9 MS. ROSENBLIT: It may call for
10 speculation.

11 MR. KATON: I'll -- I'll withdraw that.

12 Q. What -- what did Captain Adams tell you
13 about Mr. Hymes that made him special?

10:19AM

14 A. I was advised -- and I'm just going to try
15 and recall -- the day prior -- or two days prior to
16 him arriving to our facility that this inmate was
17 coming from state prison, and there was a lot of
18 documented violence regarding Mr. Hymes. And so,
19 because of that, since I'm the administrative

10:20AM

20 sergeant assigned to my facility, it is my duty to
21 do, basically, my homework to be able to brief the
22 teams about the type of inmate we are receiving.

10:20AM

23 Q. So it's your understanding that Mr. Hymes
24 was -- I don't know if "transferred" is the right
25 word, but moved from a CDCR facility to the

1 San Francisco jail?

2 A. That is correct.

3 Q. And then what did Captain Adams tell you
4 about Mr. Hymes? To the best you can recall, of
10:20AM 5 course.

6 A. To do my research. To -- there were videos
7 regarding Mr. Hymes' history.

8 Q. What's -- what's the -- I'll withdraw that.

9 Did Captain Adams give you any information
10:21AM 10 about Mr. Hymes or just a recommendation to do your
11 work?

12 A. Yes. I believe she said that we have to be
13 very cautious with this particular inmate because of
14 his past history.

10:21AM 15 Q. And did she say what -- what it was about
16 his past history that would require you to use
17 caution with him?

18 A. I don't recall what she may have said.

19 Q. So when she suggested that you do your
10:22AM 20 research and that there were videos of his history,
21 did you do any research?

22 A. Yes, I did.

23 Q. What did you find in your research, if
24 anything?

10:22AM 25 A. The YouTube videos, the interviews that

1 were conducted at CDC; the violence, him acting out;
2 him injuring, I believe, three CDC officers who
3 medically retired out with bad knee injuries; his
4 points at the CDC level in the state prison.

10:23AM

5 Q. Anything else that you recall from your
6 research?

7 A. Yes. Just by watching the videos, that he
8 is able to switch from normal behavior to violent
9 behavior in a moment's notice.

10:23AM

10 Q. Is that something that you heard someone
11 say on the video or something that you witnessed on
12 a video?

13 A. That I witnessed.

10:23AM

14 Q. And what -- do you remember what the -- who
15 recorded the video, or what -- what video it was
16 that you witnessed?

17 A. No. No, I don't.

18 Q. To the best of your recollection, it was on
19 YouTube, though?

10:23AM

20 A. I want to say it was on YouTube. It could
21 have been something that somebody was interviewing
22 him. It could have been -- you know, it's, like, as
23 an example, Channel 2 News or somebody, and there
24 may have been a -- a web, you know, or link to go to
10:24AM 25 and -- and that produced the video footage. It

1 could have actually even been -- been the people at
2 CDC that put it together. I'm not a hundred percent
3 sure.

10:24AM

4 Q. Yeah, so maybe I wasn't clear, and I don't
5 want you to guess, but let me ask it this way:
6 Do -- do you recall what site --

7 A. No.

8 Q. So it could have been a news site?

9 A. It could have been.

10:24AM

10 Q. So what happened -- well, let me withdraw
11 that.

12 Is there anything else that you recall
13 about your discussion with Captain Adams?

14 A. No.

10:24AM

15 Q. So I believe you said, after you spoke with
16 Captain Adams, Mr. Hymes arrived and you had a
17 conversation?

18 A. Yes, I did.

19 Q. Do you recall what you discussed with
20 Mr. Hymes?

10:25AM

21 A. Yes.

22 When we were in the processing room,
23 generally that's where we give the inmates a bed
24 roll, toiletry items. And if there's any questions
25 that the inmate may have, we generally will answer

10:25AM

1 those there.

2 But I, as the administrative sergeant,
3 wanted to give him instructions on where he was
4 going to be housed, the process to ask questions
10:25AM 5 towards deputies or supervisors; that there was walk
6 times.

7 And in the middle of my conversation, he
8 stopped me, and he basically said, which I've never
9 heard an inmate, in all my years, tell me, "Stop
10:26AM 10 that shit," or something like that. "We're going to
11 rock-n-roll every day." And, "Get your team
12 together." And, "You guys may hurt me, and I'll end
13 up in the rubber room" or "safety cell" -- I can't
14 recall what he said -- and, "It will take me a
10:26AM 15 couple of weeks to heal, and once I'm healed, it's
16 going to be back on, and this is going to happen
17 every day, so get your team ready."

18 Q. And did the conversation continue after
19 that?

10:26AM 20 A. No, it did not.

21 Q. So what happened next?

22 A. I said, "Thank you," and I walked him
23 towards the gate. The gate opened. I -- we, as a
24 team, escorted him back to his cell, put him in his
10:26AM 25 cell, uncuffed him, and walked out.

1 Q. And did you see him again on July 22nd --

2 A. No.

3 Q. -- 2014?

4 And did -- other than what he said, which I

10:27AM

5 understand you're saying is extremely unusual, did

6 he resist you or the other deputies who were with

7 you in the process of escorting him to his cell?

8 MS. ROSENBLIT: Objection. Vague and

9 compound.

10:27AM

10 THE WITNESS: No.

11 MR. KATON: Q. So when was the next

12 time -- well, let me withdraw that.

13 Was the call you received from

14 Captain Adams the first you had heard of Mr. Hymes?

10:28AM

15 MS. ROSENBLIT: Objection. Vague as to

16 time.

17 THE WITNESS: I would say probably. I'm --

18 I believe, like, the best of my recollection.

19 MR. KATON: Q. When did you next see

10:28AM

20 Mr. Hymes after you left him in his cell on

21 July 22nd, 2014?

22 A. July 23rd.

23 Q. What were the circumstances in which you

24 saw him on July 23rd?

10:28AM

25 A. I was advised by, I believe at the time,

1 Lieutenant Cabebe.

2 Q. Can you spell that?

3 A. C-A-B-E-B-E.

4 Q. I'm sorry. Go ahead.

10:29AM

5 A. He advised us that Mr. Hymes was violently
6 acting out, and I -- I want to say that Cabebe's
7 words were, "His violent behavior falls under the
8 category of a safety cell placement."

10:29AM

9 Q. Aside from the general description of
10 violent behavior, did Lieutenant Cabebe tell you
11 anything specifically about what Mr. Hymes was doing
12 that he was characterizing as violent?

13 A. I don't recall.

10:30AM

14 Q. And had you heard anything about Mr. Hymes'
15 behavior in the jail from the time you left him in
16 his cell on July 22nd, 2014, until you heard what
17 you just described from Lieutenant Cabebe?

10:30AM

18 A. Correct me if I'm wrong, you're asking me
19 had -- had he acted out from the day I left him till
20 the day Cabebe said he was acting out?

21 Q. Had you heard anything about that, correct.

22 A. No.

23 Q. So what happened after -- so

10:30AM

24 Lieutenant Cabebe told you that Mr. Hymes was
25 violently acting out.

1 What happened next?

2 A. We -- Captain Adams, Lieutenant Cabebe,
3 Sergeant Kester, and I met inside the emergency
4 operations center. And I don't recall -- and I have
5 to look -- possibly look at my notes, but we had a
6 conversation, and I was briefing the captain and the
7 lieutenant and the other sergeant that this was just
8 his way of testing our -- the team, and I felt that
9 we should not engage, so basically I was

10:31AM

10 deescalating the situation, and basically informed
11 the other supervisors that it was just his way of
12 acting out.

10:31AM

13 Q. So at this point, though, did you know what
14 the -- what was described as violent behavior, what
15 that was?

10:32AM

16 A. No.

17 Q. Well, wouldn't your decision on what action
18 to take depend on whether his violent behavior was
19 throwing paper at a deputy versus sharpening a knife
20 or grabbing a deputy and punching him or her?

10:32AM

21 A. It wasn't my decision.

22 Q. What wasn't your decision?

23 A. To determine his next course of action or
24 the team's course of action. It was the decision on
25 the lieutenant as to what he deemed as violent

10:32AM

1 behavior and what was -- what was going to be the
2 next step.

3 Q. I see.

4 So -- so when you said that you suggested
10:32AM 5 that this was Mr. Hymes' way of testing the team and
6 that you shouldn't take action in order to try and
7 deescalate, that was your suggestion, not the
8 decision, for course of action?

9 A. That is correct.

10:33AM 10 MS. ROSENBLIT: Objection to the extent it
11 may mischaracterize testimony.

12 MR. KATON: Q. I'm just asking if what I
13 just said was accurate. If it wasn't, please tell
14 me.

10:33AM 15 A. That is correct. It was just a suggestion.

16 Q. So what happened after you made that
17 suggestion to Captain Adams, Lieutenant Cabebe --
18 and was it Sergeant Kester?

19 A. Correct.

10:33AM 20 Q. What happened next?

21 A. Looking at my notes, I believe that I
22 walked back to E Tank, and I had a moment of
23 conversation with Mr. Hymes.

24 Q. So when you say, based upon your notes, is
10:34AM 25 that because you reviewed a document to prepare for

1 this deposition, but you don't have an independent
2 recollection of it?

3 A. That's correct.

4 Q. And when you made the suggestion you
10:34AM 5 described about Mr. Hymes is just testing the team,
6 was there, in fact, a decision communicated to you
7 about how to deal with Mr. Hymes going forward?

8 MS. ROSENBLIT: Objection. Vague.

9 THE WITNESS: Lieutenant Cabebe just made a
10:34AM 10 statement that his actions deemed necessary for a
11 safety cell placement. That's all that was given to
12 me.

13 MR. KATON: Oh, okay.

14 Q. So as a result of that meeting in the EOC
10:34AM 15 room, it was determined that Mr. Hymes would be
16 placed in a safety cell?

17 A. That's what I was advised -- or that --
18 what was given to the other supervisors, the
19 information.

10:35AM 20 Q. And, at this time, Mr. Hymes was in E Tank?

21 A. I don't recall if it was E Tank. I -- I --
22 it may have been F Tank. I'm not sure.

23 Q. So what happened after the meeting with the
24 other staff in the EOC?

10:35AM 25 A. I'd have to take a look at my -- the notes

1 or my written statement. But the -- I guess the
2 decision that I would go back and talk to Mr. Hymes
3 to see if I can find out what's the reason based
4 upon his actions. I'm not a hundred percent sure.

10:36AM

5 I -- according to my notes, I walked
6 into -- I believe it was F Tank, and I don't recall
7 the statement. And according to my notes, he said
8 that he wanted to stab somebody or -- or end up on
9 death row, and I, according to my notes, asked him,

10:36AM

10 "And how are you going to do that?" And he said,
11 "By stabbing one of you guys."

12 MR. KATON: I'll ask the court reporter to
13 mark this Sanchez 1, please.

10:36AM

14 (Whereupon, Plaintiff's Exhibit 1 was
15 marked for identification and is attached
16 hereto.)

17 MR. KATON: Q. When you are referring to
18 your notes, are you referring to Exhibit 1?

19 A. Yes.

10:37AM

20 Q. Did you make any notes about Mr. Hymes
21 other than Exhibit 1?

22 A. No. No.

23 Q. So you went to F Tank. You went to talk to
24 Mr. Hymes. He said things about wanting to get on
25 death row and stabbing someone.

10:37AM

1 What happened next?

2 A. I don't recall, but I -- I believe, after
3 he made this statement, I walked out. There was no
4 need to continue the conversation.

10:38AM

5 I walked back to the emergency operations
6 center, advised the team of supervisors of my
7 conversation.

8 Q. And what happened after you advised the
9 team in the EOC of your conversation with Mr. Hymes?

10:38AM

10 A. I don't recall. There was probably
11 people's opinion on the next course of action that
12 was being presented.

13 Q. And do you remember a decision being made
14 on the next course of action to be taken?

10:38AM

15 A. Yes.

16 Q. What was that?

17 A. The captain advised the lieutenant and the
18 sergeant -- Sergeant Kester and I to come to a
19 mutual agreement, and I stood firm on basically
20 standing down and expressed the reason why I felt
21 strongly about it. And the lieutenant and the other
22 sergeant rendered a decision, which was to follow my
23 instructions -- or my suggestion.

10:39AM

24 Q. When you say that your suggestion was to
25 stand down, can you -- well, let me withdraw that.

10:39AM

1 prepared and available in case there was a need for
2 those. So I was just advising Sergeant Bliss that
3 those were approved to use.

10:59AM

4 Q. Now, was anyone else in the EOC room with
5 you at this time?

6 A. I don't recall. There was a team already
7 preparing to put on all the Hatch gear.

8 Q. So you recall that there were other
9 people --

11:00AM

10 A. Yes.

11 Q. -- in the room who were preparing; you just
12 don't recall who they were?

13 A. That's correct.

11:00AM

14 Q. So what happened after you relayed the
15 information that you just described to
16 Sergeant Bliss while the team was preparing?

11:00AM

17 A. We go through a process of getting as much
18 intel we -- as -- that we have at our disposal. So
19 classification officer may be available to brief us
20 on any past history, any violent behavior. We -- we
21 also discuss, amongst the staff that's there in the
22 emergency operation center, any information that
23 they have, anything that they've seen or heard.

11:00AM

24 So, basically, it's just an intel gathering
25 type of moment, and then -- and then I -- obviously

1 I added what I knew.

2 Q. So did the team hear from a classification
3 officer while you -- you were assembled in the EOC
4 room?

11:01AM 5 A. I -- I believe so.

6 Q. Do you know who the classification officer
7 was?

8 A. By going over the notes, I believe it was
9 Deputy Lee, Rebecca Lee, from classification, if I'm
10 correct.

11 Q. And do you know who spoke to Deputy Lee
12 about the information that she communicated?

13 A. I don't recall. I'm -- I'm going to guess
14 Sergeant Bliss may have spoken to her.

11:01AM 15 Q. It wasn't you, though?

16 A. I don't recall.

17 Q. Apart from the intel that you provided and
18 from what the classification officer told
19 Sergeant Bliss, do you remember any other

11:02AM 20 information that was provided during this, I think
21 you called it, information-gathering session?

22 A. Yes.

23 I advised the team to be very cautious;
24 that even though he is handcuffed and leg-shackled,
11:02AM 25 that he is still violent and that he has inflicted

1 injuries on other officers even though he was cuffed
2 and shackled.

3 I recall, in the video, three CDC officers,
4 their knees were blown out by Scanvinski Hymes
11:02AM 5 kicking backwards in a fashion that created those
6 injuries.

7 So I wanted to advise them that even though
8 he was handcuffed and shackled, to be still cautious
9 because of his violent behavior.

11:03AM 10 Q. Do you recall anyone else providing
11 information besides you and whatever the
12 classification officer told Sergeant Bliss?

13 A. I don't recall.

14 Q. And do you recall Sergeant Bliss
11:03AM 15 communicating to the team anything that Deputy Lee
16 told him?

17 A. I don't recall.

18 Q. So at this point in the EOC room, you
19 remember yourself and Sergeant Bliss; correct?

11:03AM 20 A. Yes, to the best of my knowledge.

21 Q. Do you recall who any of the other deputies
22 were who were in the EOC room?

23 A. No.

24 Q. So what happened after the intel-gathering
11:03AM 25 session in the EOC room?

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA)
3) ss.
4 COUNTY OF MARIN)

5 I, PATRICIA ROSINSKI, hereby certify: That
6 I am a Certified Shorthand Reporter in the State of
7 California. That prior to being examined,
8 LIEUTENANT VICTOR M. SANCHEZ, the witness named in
9 the foregoing deposition, was by me duly sworn to
10 testify the truth, the whole truth, and nothing but
11 the truth;

12 That said deposition was taken pursuant to
13 Notice of Deposition and agreement between the
14 parties at the time and place therein set forth and
15 was taken down by me in stenotype and thereafter
16 transcribed by me by computer and that the
17 deposition is a true record of the testimony given
18 by the witness. I further certify that I am neither
19 counsel for either, nor related in any way to any
20 party to said action, nor otherwise interested in
21 the result or outcome thereof.

22 Pursuant to Federal Rules of Civil Procedure,
23 Rule 30(e), review of the transcript was not requested
24 before the completion of the deposition.

25 _____
PATRICIA ROSINSKI, CSR No. 4555

19th day of August, 2018